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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,040	03/24/2004	Chandrashekhar Appanna	CISCP830	5661

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EXAMINER

ASSESSOR, BRIAN J

ART UNIT	PAPER NUMBER
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2114

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/18/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/808,040

Applicant(s)

APPANNA ET AL.

Examiner

Brian J. Assessor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11-15, 21-26 and 30-35 is/are rejected.
- 7) ☒ Claim(s) 5-10, 16-20 and 27-29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/30/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 11-14, 21-25, and 30-35 are rejected under 35 U.S.C. 102(e) as being anticipated by May (20050135233).

As per claim 1, May teaches:

A method for restarting a network device, the network device having a plurality of route processors, the network device being arranged to be in communication with a plurality of peers within a network, the plurality of peers including a first peer and a second peer, the first peer being arranged to support graceful restart, the method comprising:

performing a graceful restart with respect to the first peer; (May page 2, paragraph 0024)

performing a peer transparent failover with respect to the second peer, (May page 3, paragraph 0034, element 200; peers that are not able to perform a graceful

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restart, will use the synchronized information for a failover.) wherein the graceful restart and the peer transparent failover are performed in response to downtime associated with the network device. (May pages 2-3, paragraph 27)

As per claim 2, May teaches:

The method of claim 1 wherein when a first route processor of the plurality of route processors boots up, the method further includes:

marking a session between the network device and the second peer as a transparent failover session. (inherent; May synchronizes the cluster peers, therefore, upon startup they would have to start a transparent failover session.)

As per claim 3, May teaches:

The method of claim 1 wherein performing the graceful restart with respect to the first peer includes reestablishing a session between the network device and the first peer using a standby route processor of the plurality of route processors. (May page 3, paragraph 0028)

As per claim 11, May teaches:

The method of claim 1 wherein the peer transparent failover is a stateful switchover. (May page 2, paragraph 0014; the cluster members are synchronized, which would make them all in a stateful failover state.)

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As per claim 12, May teaches:

The method of claim 1 wherein the network device is a router. (May page 2, paragraph 0014)

Claims 13, 14, 21, and 22 respectfully are device claims corresponding to the method claims 1, 2, 11, and 12. Therefore, claims 13, 14, 21, and 22 are rejected for the same rationale set forth in claims 1, 2, 11, and 12.

Claims 23-25 and 30 respectfully are device claims corresponding to the method claims 1-3 and 11. Therefore, claims 23-25 and 30 are rejected for the same rationale set forth in claims 1-3 and 11.

Claims 31 and 32 respectfully are claims corresponding to the method claims 1 and 11. Therefore, claims 31 and 32 are rejected for the same rationale set forth in claims 1 and 11.

Claims 33-35 respectfully are device claims corresponding to the method claims 1-3. Therefore, claims 33-35 are rejected for the same rationale set forth in claims 1-3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 15, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over May (20050135233) in view of Harvey (20030140167).

As per claim 4:

May does not explicitly disclose a method for processing an event queue associated with a standby route processor of the plurality of route processors to recreate at least one state associated with a session between the network device and the second peer on the standby route processor.

On page 2, paragraph 0015, Harvey clearly teaches a method of maintaining an event queue in a standby router in order to create at least one state associated with the active router. It would have been obvious to a person of ordinary skill in the art to include the event queue method as taught by Harvey in order to create an efficient synchronization and failover system. This would have been obvious because Harvey teaches the above method is better suited for facilitatin synchronization in redundant processors during failover. (Harvey page 2, paragraph 0010)

Claim 15 is a device claims corresponding to the method claim 4. Therefore, claims 15 is rejected for the same rationale set forth in claim 4.

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Claim 26 is a device claims corresponding to the method claim 4. Therefore, claims 26 is rejected for the same rationale set forth in claim 4.

Allowable Subject Matter

Claims 5-10, 16-20, and 27-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Assessor whose telephone number is (571) 272-0825. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571)272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BA



SCOTT BADERMAN
SUPERVISORY PATENT EXAMINER